

**REPORT - PLANNING COMMISSION MEETING
May 27, 2004**

Project Name and Number: Durham Road Station (PLN2003-00119)

Applicant: Larry Schaadt

Proposal: To consider a rezoning from a City-initiated Planned District to a Precise Planned District to allow for the development and use of a 6,639 square foot gasoline station with convenience market and car wash.

Recommended Action: Recommend to the City Council, based on findings and subject to conditions

Location: Saber cat Road (NW corner of Saber cat Road and Durham Road), in the Mission San Jose Planning Area.

Assessor Parcel Number(s): 513-0701-014-04 and 513-0701-014-05

Area: 5.3 Acres

Owner: Northstar Properties, LLC

Agent of Applicant: Larry Schaadt, Jenmar Land Corporation

Consultant(s): Jody Malone, Architect, Designers Collective
John Govers, Civil Engineer, Govers Engineering
Brian Kilian, Landscape Architect, Borrecco/Kilian and Associates
Gary Hsu, Geotechnical Engineer, Capex Engineering
Irving Affeldt, Geological Engineer, Purcell, Rhoades & Associates

Environmental Review: An Initial Study and Draft Mitigated Negative Declaration have been prepared and distributed for the requested Precise Planned District.

Existing General Plan: Neighborhood Commercial, City Gateway

Existing Zoning: P, City-initiated Planned District

Existing Land Use: Undeveloped (currently used to pen livestock)

Public Hearing Notice: Public hearing notification is applicable. A total of 9 notices were mailed to owners and occupants of property within 300 feet of the site on the following streets: Lupine Place, Durham Road, and Osgood Road. The notices to owners and occupants were mailed on May 17, 2004. A Public Hearing Notice was delivered to The Argus on May 10, 2004 to be published by May 17, 2004.

Executive Summary: The Planning Commission is being asked to recommend the rezoning of a City-initiated Planned District to a Precise Planned District for the subject parcel to allow for the development and use of a gasoline service station. The subject parcel is designated in the General Plan as a "City Gateway". Any proposed development and use on the site must demonstrate that it achieves the "special general plan designation" objectives and goals established for gateways. Staff is recommending approval of the project, based on the findings and conditions of approval.

Background and Previous Actions: In an effort to create an appropriate gateway to Fremont from the southern end of the Mission Pass, during the 1991 Citywide General Plan Update (GPA-88-16), the subject parcel's General Plan designation was changed from Agriculture to Neighborhood Commercial, City Gateway. To ensure that the future

development on the subject parcel is compatible with its surroundings and significance of the area, the City also correspondingly rezoned the site to P, City-initiated Planned District. The Planned District zoning allows the City to review and approve specific design and uses on this gateway site.

The subject parcel is currently being used to pen livestock, with several temporary stable-like structures present. In the past, it is believed that the site was used for low-intensity agriculture. Two sets of high voltage, overhead lines trend approximately northeast-southeast (100-foot wide) over the parcel and a gas pipe easement also traverses the parcel. The subject parcel has a mix of barren ground and low-lying natural grass cover. The site is prominently located at one of the southerly entrances into the Mission Pass area (the canyon area on Interstate 680, from Pleasanton into Fremont) of the City. The subject parcel is located on the northwest corner of Saber cat Road and Durham Road, east of Interstate 680, but north of the Interstate's interchange. It is adjacent to the anticipated Saber cat Shopping Center, a 105,730 square foot shopping center, consisting of general retail, restaurant and supermarket facilities, approved back in October of 2000 by the City Council (P-2000-5). The subject parcel abuts Interstate 680 to the west, undeveloped land to the north (the anticipated shopping center), private open space to the east (part of the P-83-14 residential planned district), and the Durham Road interchange embankment to the south.

Project Description: The project consists of a Precise Planned District rezoning (from a City-initiated Planned District) to allow for the development and use of a 6,639 square foot (cumulative) gasoline station, including a fueling canopy with 4 fuel dispenser islands (totaling eight pumps), a convenience market and a carwash ("facility"). The facility will also include: two (2) underground fuel storage tanks; self-service vacuum, air and water stations; and, other associated site and complete landscape improvements. As the site is designated a Gateway site in the General Plan, the design and siting of the project is oriented to accommodate vehicular traffic from Interstate 680 as well as the single-family neighborhood within the vicinity.

PROJECT ANALYSIS:

General Plan Conformance: The existing General Plan land use designation for the project site is Neighborhood Commercial, City Gateway. The proposed project is consistent with the General Plan land use designation for the project site because a gasoline service station use is a conditionally permitted use within this land use designation. The following General Plan Goals, Objectives and Policies are applicable to the proposed project:

Land Use Policy 2.23 states: *Gas stations may be allowed in locations easily accessible to arterials and/or collector streets.*

Discussion: According to the General Plan, Saber cat Road is designated as a collector street and Durham Road as an arterial, and therefore the gasoline service station use is an appropriate use in this area from a circulation standpoint. The Neighborhood Commercial section of the General Plan does not address car wash uses specifically, and only prohibits auto repair, except when such use is part of a gas station. Nevertheless, the zoning designation most similar in nature to this P district is Neighborhood Commercial. Under the Neighborhood Commercial District designation, a car wash, if proposed in conjunction with and ancillary to the proposed use of a gasoline service station, is conditionally permitted (through a Conditional Use Permit) and would therefore be in conformance with the current General Plan land use designation. The project site is also situated at least 800 feet from the nearest residential use (a single-family home) and, therefore, should not have an adverse noise impact on the surrounding area. Nevertheless, a condition of approval will limit the hours of operation for the ancillary carwash, as well as vacuuming facilities, from 8 a.m. to 8 p.m. (Condition **A-6**)

Land Use Policy 7.6 states: *The City shall work with private developers to provide a gateway feature or to enhance designated gateways through landscaping, building and site design.*

Discussion: Gateways help reinforce Fremont's sense of identity. Gateways are where visitors and residents are welcomed to the City—where they sense they have arrived to Fremont. The subject parcel has been designated by the City to serve as such a gateway. Although not considered a "Natural Gateway", of which one is located north on Interstate 680 at the northern entrance into Mission Pass, the subject parcel serves as a gateway that demarcates and identifies an entry point into the developed City, while making the City distinguished from its abutting neighbors. As such, the development, design and use of the subject parcel are of greater importance.

The applicant proposes a gasoline service station that is uniquely designed and is an appropriate use to serve as a gateway into the Mission area of the City. Staff feels that the applicant has successfully addressed the intent of the Planned District by proposing a design and siting development that, based on the design vocabulary of the mission style, are compatible with the visual, existing character of the surrounding area in terms of materials and color treatment, roof line, building mass and configuration, and other elements so that architectural continuity is achieved, as further described under the latter section of this report under "Architecture".

Open Space Goal 4: *Distinctive gateways and roadway landscaping for Fremont.*

Objective OS 4.1: *Clear identification of Fremont's boundaries with special gateways at all major entrances to the city [i.e., man-made gateways].*

Discussion: Although no formal "City of Fremont" sign is contemplated for the project, as it clearly is located not at the actual entrance into the City, the applicant proposes a design that is unique, particularly for a Chevron service station, and appropriate for the Planned District. The conceptual landscape plan is complete and will significantly add interest to the area (See "Landscaping" section).

Zoning Regulations: The existing site is zoned P, City-initiated Planned District. The proposed Major Planned District Amendment is intended to provide a precise plan for the development and use of the subject parcel. Section 8-22141 of the Ordinance lists additional conditions that gasoline service stations must satisfy. The proposed use conforms with these conditions as they relate to proximity to schools, goods and services offered, exterior sales, landscaping, site design and circulation. To ensure consistency with the residential development at the distance, the car wash and vacuuming facilities will be conditioned to only operate from 8 AM to 8 PM, 7 days a week (Condition **A-6**). In addition, operational conditions that have to be satisfied on an ongoing basis are included as conditions of approval to further ensure that the use will not impair or compromise the quality of the surrounding area (Conditions **I-1 through I-7**).

Parking: The project proposes a total of 18 parking spaces, including one space for disabled persons and accompanying loading area. The required number of spaces for the project is 14, based on a requirement of 1 space for each 200 square feet of convenience food store, plus 1 space for each employee (2,355 square feet of convenience food store requires 12 spaces and 1 employee requires 1 space, for a total of 13 parking spaces). Normally, 2.5 parking spaces would be required for car wash uses, but because the proposed car wash is fully automated and patrons will be able to purchase the car wash service at the fuel pump islands, additional parking is not necessary. The plan identifies an adequate stacking lane for up to 5 vehicles for patrons waiting to use the car wash.

Open Space/Landscaping: Approximately 41,935 square feet (0.96 acres) of the site will be landscaped and approximately 31,560 square feet of the site will be developed with impervious surface area. Street improvements, consisting of trees shrubs, groundcover, sidewalks, etc., are proposed on both sides of Saber cat Road and on the two southerly sides of the parcel where it abuts Durham Road (subject parcel is bisected by Saber cat Road). No improvements, except for required street improvements, are proposed on the section on the east side of Saber cat Road (APN 513-0701-014-05; 3.59 acres). As a result, 3.59 acres will remain adjoining the future Saber cat Shopping Center development will remain open space.

Waste Management: This project is subject to the provisions of the California Integrated Waste Management Act of 1989 (AB939), the City's Source Reduction and Recycling Element (1992), the Integrated Waste Management Ordinance (1995), and the Commercial/Industrial Recycling Plan (1997). These documents require that any new project for which a building permit application is submitted to include adequate, accessible, and convenient areas for collecting and loading trash and recyclable materials. Accordingly, an appropriate and sufficient trash enclosure area is designed consistent with the overall proposed character of the project. A condition is included to ensure that the trash enclosure area is maintained and that the site be kept free of litter and debris (Condition **I-7**).

DESIGN ANALYSIS:

Architecture: As previously mentioned, staff believes that the design team has successfully designed a project with an intended use of a gasoline service station for the gateway site. The proposed architecture pulls its design vocabulary from the mission style. The form of the building is rectilinear in shape, with the front façade adorned by an arched entry and tower. The convenience market incorporates smooth plaster walls in a “Meadowbrook” color, accented by tile inserts in a “Regency Blue” color to match the tile fascia of the proposed fueling canopy. The roof profile is gable with exposed natural wood rafters and outriggers. The roofing material consisting of barrel-shape tiles in an “Old World Blend” color. The front and west façade facing Interstate 680, as well as east façade incorporates a recessed store front window system with divided lights in a medium bronze color. A wood trellis flanks the right side of the main entrance or portico, proximate to the Interstate, to visually add depth to the design, while also providing additional interest. In addition, accent banding is proposed in an “Alamo” color, with a “Sutter Gold” brick veneer at the base of the building. Similarly, the car wash facility and trash enclosure share the identical treatment.

It should be noted that the design team has worked with staff for nearly two years, first through the Preliminary Review Procedure Process and then the rezoning of the site to a Precise Planned District. It also should be noted that the site offers a unique set of challenges as described by the design team (see easement and site constraints discussion below). Staff made it very clear early in the review process that corporate Chevron architecture would not be supported, and the applicant agreed to explore designs to meet the intent of the gateway designation. Staff recommended and the applicant incorporated the following:

- Revised the roof profile from a flat roof to a pitched, gable roof, with all roof structures being consistent in pitch and material;
- Reduced the size, height and length of the fueling canopy, resulting in the reluctant loss of the fifth dispenser (or two pumps);
- Redesigned the siting of structures to orient towards Interstate 680 and Saber cat Road;
- Reduced the height of the tower from 34 feet to 30 feet;
- Incorporated stamped concrete pathways and banding to break up the large expanses of concrete and asphalt;
- Removed cornice and reveal features not appropriate to the type of architecture;
- Incorporated pocket walls (or blind arcades) at trellis areas, particularly abutting the high embankment directly adjacent to the main convenience structure on the south side of the parcel;
- Relocated and redesigned tower element to be part of main entry element;
- Eliminated faux (false) pane windows in place of real, clear insulated glazing, particularly facing the Interstate and parking area, resulting in the revisions to the proposed floor plan;
- Added wood trellises to the design to the right of the front entrance and over the trash enclosure;
- Added concrete planters on both sides of all fueling dispensers;
- Centered glazing area to better fit with the design of the building;
- Redesigned all bollards to be decorative and consistent with the design theme;
- Recessed all future sign areas at least five inches to allow future signage to be flush with plaster walls;
- Recessed storefront glazing so that building walls appear more substantial;
- Widened all pilaster elements (or projecting wall elements, including archways) to make the building appear more solid, consistent with mission style architecture; and,
- Revised the site plan to be more consistent with the surrounding area, based on the constraints described below.

To this end, staff recommends the following to further enhance the design of the project:

- Flush mount all lighting fixtures below fueling canopy ceiling element (Condition **C-1**);
- Revise the “Sutter Gold” wainscot color, or material, to more be more consistent with overall design and color palette of the building (Condition **C-2**);
- Turn all exposed rafter tails on all building structures (Condition **C-3**); and,

- Add additional outriggers to tower and main entry portico elements as well as gable sections of all roofs (Condition **C-4**).

With the incorporation of the above, staff believes the project would be in full conformance with the goals and policies of the General Plan and intent of the Planned District.

Site Planning: The project site is located on the west side of Saber cat Road, north of the intersection of Saber cat Road and Durham Road. The site is approximately 5.3 acres in size (APN 513-0701-014-04 and 513-0701-014-05) and is bisected by Saber cat Road, which splits the parcel into two sections. The proposed development location on the site is on the west side of Saber cat Road (APN 513-0701-014-04; 1.71 acres) and is directly adjacent to the Interstate 680. No improvements, except for required street improvements, are proposed on the section on the east side of Saber cat Road (APN 513-0701-014-05; 3.59 acres). A church and single-family residences are located to the south; private open space to the east; Interstate 680 to the west; and, a vacant parcel approved for the development of the 105,730 square foot shopping center to the north.

The subject parcel is encumbered by many easements and development constraints, and is bisected by Sabercat Road as a result of the past right-of-way acquirement. Two sets of high voltage, overhead lines trend approximately northeast-southeast over a one hundred-foot wide section of the parcel, and a gas pipe easement also traverses the parcel, deeming most the subject parcel unbuildable. The Durham Road embankment abuts the south side of the parcel, adjacent the area proposed for development. The remainder 3.59-acre section of the subject parcel on the east side of Saber cat Road is essentially entirely unbuildable due to the Hayward fault. Consequently, the buildable area is focused on the south side of the subject parcel, west of the Saber cat Road. It is the opinion of staff that the buildings have been appropriately situated. The proposed convenience store is strategically located to screen the Durham Road embankment and located close to the Interstate to provide, along with the full landscaping, a strong focal point, particularly for passerby traffic going southbound on the Interstate. The circulation onsite, although appearing somewhat problematic, has been closely reviewed to ensure proper circulation onsite, based on the proposed amenities and aforementioned site constraints. Staff suggested and the applicant revised the canopy structure to eliminate one dispenser to allow for adequate circulation area for those exiting the carwash (in addition to area for the refueling semi-truck to turn around with ease). Other configurations and site layouts were considered, neither provided better circulation, nor achieved a level of higher conformity with the goals and policies established for designated City Gateway sites.

Landscaping: The conceptual landscape plan successfully demonstrates conformity with the goals and policies of the City Gateway designation that landscaping (or other effective means) is necessary to enhance the designated gateway area. At the entrance, flowering trees and bands of landscape roses and flowering accents are proposed in a formal layout. Large native shrubs trees, clusters of large scale flowering shrubs, drought tolerant groundcover, including a large bio-swale, are proposed within the 100-foot wide utility overhead easement. Large-scale native shrub trees are proposed along the property line adjacent to the Interstate. Large street trees and appropriate drought tolerant shrubs and groundcover are proposed in the right-of-way.

The site designated for development also contains 3 mature trees ranging in size from 6" DBH to 24" DBH. These 3 trees are designated for removal. Based on the authority provided in the Tree Preservation Ordinance, the mitigation for the removal of these trees will be the installation of three (3) new 24" Box trees incorporated in the design (Condition **D-7**). This is consistent with the provisions of the Tree Preservation Ordinance. In addition, there are 5 trees within the Cal Trans right of way that are being preserved as part of the development (Condition **D-2**).

View Impacts: Because the project site is located well below the toe of the hill area, the visual implications of the project were focused from above the location (from Durham Road and the residential uses). Thus, the roof treatment is critical for all of the structures proposed. Based on this concern, the applicant has revised the roof profile from a flat roof to a pitched, gable roof. In addition, a condition is added to ensure that any/all mechanical equipment is to be located in covered sheds adjacent to the building or architecturally screened, while not compromising the quality of the project (Condition **C-5**).

ENGINEERING ANALYSIS:

Circulation/Access Analysis: The project site is located on the western half of a parcel north of the Durham Road and Saber cat Road intersection. The parcel is bisected by Saber cat Road, but remains one legal parcel of record. Vehicular and pedestrian access is provided at a new driveway on Saber cat Road, approximately one hundred feet east of an existing driveway, which will be removed. On-site circulation includes a large paved area surrounding the fueling islands, a one-way drive aisle for vehicles using the carwash, and a double-loaded parking area in front of the sales area.

Street Improvements: In accordance with the Street Right-of-way and Improvement Ordinance, the project is required to install complete street improvements along the project frontages of Durham Road and Saber cat Road. Durham Road, at this location, is a major east-west thoroughfare. Saber cat Road is a collector street serving both residential and future commercial uses to the north. The following summarizes the required street improvements for the project:

- **Durham Road:** The property has frontage along Durham Road both east and west of the Saber cat Road intersection. The required street improvements on the west side of the intersection include installation of new curb, gutter, and sidewalk to connect to the existing bridge over I-680. This portion of Durham Road is within Caltrans right-of-way, therefore the improvements shall be subject to the standards and permitting of Caltrans. East of Saber cat Road, the project shall install curb, gutter, landscaping, and sidewalk, to complete the street improvements between the intersection and the adjacent improvements approximately 400 feet to the east.
- **Saber cat Road:** The project shall install monolithic sidewalk and landscaping on both sides of the Saber cat Road frontage of the property. Along the project side, the sidewalk is proposed to terminate at the driveway to the site, because there is no adjacent use on the west side of Saber cat Road. Along the east side of Saber cat Road, the sidewalk will extend to the project boundary, where it will connect to sidewalk to be installed during the development of the adjacent commercial property. In addition to the sidewalk and landscaping, the project proposes the installation of a painted center median and left-turn lane on Saber cat Road, to provide a refuge for vehicles entering the site from the south. The details of the turn lane are subject to review and modification prior to issuance of the encroachment permit.

Grading/Topography: The gas station site is located on 1.86 acres bounded by Saber cat Road, Durham Road, and I-680. The site is currently improved with several sheds that will be removed as a part of this project. Several utilities also cross the site, which include overhead electrical transmission lines. Embankment slopes for Durham Road and Saber cat Road bound the southern and eastern edges of the site. On-site grading is subject to review and approval of staff during Development Organization.

Drainage: The project proposes the installation of a storm drain system consisting of drain inlets in paved areas, which are connected, via underground pipes, to grassy swales in the northwest corner of the site. Storm runoff will flow through these swales, providing an opportunity for waterborne pollutants to settle out of the runoff. The runoff eventually connects to an existing drainage facility that routes the water under I-680. . The on-site and off-site storm drain system is not approved at this time, but shall be reviewed and approved by the City Engineer, prior to issuance of the building permit. The storm drain design may also be subject to review and approval of the Alameda County Flood Control and Water Conservation District and Caltrans.

Urban Runoff Clean Water Program: The Federal Clean Water Act of 1972 and Water Quality Act (1987) require localities throughout the nation to obtain a National Pollutant Discharge Elimination System permit (NPDES) in order to discharge storm water into public waterways such as creeks, rivers, channels and bays. The applicant will comply with the City's Urban Runoff Clean Water Program in accordance with the NPDES requirements issued by the State's Water Quality Control Board. The applicant's engineer has proposed the installation of grassy swales as part of long-term prevention of storm water pollution. The project is required to incorporate operation and maintenance standards for all on-site storm water treatment measures.

Geologic Hazards: The site proposed for development is located within the Alquist-Priolo Special Study Zone, as delineated on the State of California Earthquake Fault Zone Map, Niles Quadrangle R80. According to the Alquist-Priolo

Earthquake Fault Zoning Act, Section 2623(a), the City shall require, prior to the approval of a project, a geologic report defining and delineating any hazard of surface fault rupture.

The project applicant submitted a report by Purcell, Rhoades & Associates, dated March 18, 2003. The report did not encompass the entire property, but instead focused on the area west of Saber cat Road, where the gas station is proposed. The report concluded that the project site is generally suitable for the proposed development and the City's geotechnical consultant concurred. The City has submitted one copy of the approved geotechnical report to the State Geologist, as required by the Alquist-Priolo Earthquake Fault Zoning Act. Because the report did not cover the parcel area east of Saber cat Road, a condition of approval has been included which requires additional geotechnical studies be completed for the eastern parcel, prior to issuance of building permits for that area (APN 513-0701-014-05).

Liquefaction: The project site has recently been identified as an area of potential liquefaction on the preliminary Seismic Hazard Zones, Niles Quadrangle map, released by the State Geologist on April 19, 2004. It is anticipated that the map will become official on or about October 19, 2004. Upon release of the official map by the State Geologist, the project must conform to the provisions of the Seismic Hazards Mapping Act. A project specific geotechnical investigation, defining and delineating any liquefaction hazard, may be required prior to issuance of any building or grading permit on the project site.

ENVIRONMENTAL ANALYSIS: An Initial Study and Draft Mitigated Negative Declaration have been prepared for this project. The environmental analysis identified concerns regarding potential impacts to air quality, biology, hazards and hazardous materials, geology and soils, hydrology and cultural resources. The Draft Mitigated Negative Declaration includes mitigation measures, which, if implemented, would reduce the identified impacts to non-significant levels. These mitigation measures have been included as conditions of approval for this project (Conditions **F-1 through F-14**). A more detailed description of the potential impacts is provided within the Initial Study for the project, which is included as an enclosure.

A finding is proposed that this project would not have a significant effect on the environment based upon the implementation of the identified mitigation measures. Accordingly, a Draft Mitigated Negative Declaration has been prepared for recommendation by the Planning Commission.

Of particular concern are the following mitigation measures:

Mitigation #4: *All recommendations and criteria, such as guidelines for underground flexible pipelines, established in the Phase I Geologic and Seismic Hazards Study Update (dated March 18, 2003) prepared by Purcell, Rhoades & Associates shall be adhered to in the development of the project as proposed.*

Mitigation #5: *All criteria described in the Phase I Geologic and Seismic Hazards Study Update report dated March 18, 2003 regarding guidelines for underground flexible pipelines, with specific emphasis on quality control during construction to ensure appropriate use of steel pipe and proper welding procedures, shall be implemented into the design and construction of the facility.*

Mitigation #6: *All automatic cutoff valves shall be strategically located. A state-licensed mechanical engineer shall design the piping system to isolate and control the combustible materials flowing in the pipelines.*

Mitigation #7: *All structure will be subject to appropriate engineered designs in conformance with geotechnical standards to meet current federal, state and local building and fire code requirements to reduce the potential for damage from ground shaking.*

Mitigation #8: *Although no development is proposed at this time on the portion of the parcel located east of Saber cat Road (identified as "Parcel B" in the Phase I Geologic and Seismic Hazards Study Update report dated March 18, 2003), any future development on this portion of the parcel will adhere to the "building restriction zone" prohibiting structures for human habitation as depicted in Appendix A, Plate 1 of that report and the recommendations indicated in the peer review by Cotton, Shires & Associates dated April 29, 2003. The fault setback zones depicted on the plate, however, may be used for uses other than human occupancy structures, such as parking lots, driveways and open space.*

Mitigation #9: *In the event that development of structures for human habitation is proposed on the portion of the parcel east of Saber cat Road, a Phase II Fault Study with subsurface trenching shall be performed by a Certified Engineering Consultant.*

Mitigation #10: *The project would result in the storage and distribution of combustible fluids in close proximity to an active fault with the potential for sudden right lateral displacement on the order of 5 to 10 feet. The master creeping trace of the Hayward fault is located between approximately 200 to 300 feet east of the proposed underground gas storage tanks. Considering the proximity of the overhead power lines (with support towers on both sides of the fault) and the undefined proximity of buried natural gas transmission pipeline(s), the potential for combustible material release and ignition shall be carefully evaluated under an earthquake/fault rupture planning scenario. As such, the applicant shall retain appropriate professionals to address the above concerns and submit to the City's Development Organization documentations of findings. Mitigation design measures recommended by the Project Geotechnical Consultant should be considered. Final proposed mitigation measures for the design shall be subject to the review and approval of the City Development Organization.*

Mitigation 11: *The operation of the proposed fuel facility shall comply with regulations regarding hazardous materials according to Federal, State and Local statutes, regulations and standards. Additionally, the applicant shall be required to install fire hydrants and automatic fire extinguishing systems depending on the location of existing fire hydrants in the vicinity of the project site. The project shall be subject to the review and approval during the Development Organization review process to ensure that the design layout and construction of buildings will not interfere with any emergency response plans or emergency evacuation plans or pose a health hazard.*

Mitigation #12: *All criteria described in the Preliminary Geotechnical Investigation report dated September 16, 2002, shall be incorporated into the project design and implemented during construction. This criteria includes the recommendations to mitigate the highly expansive on-site silty clay soil.*

Response from Agencies and Organizations: Two state agencies, the Department of Toxic Substances Control (DTSC) and Department of Transportation/Caltrans (DOT), provided responses to the Initial Study and Mitigated Negative Declaration prepared and circulated. DTSC was concerned over the site's possible pesticide contamination, as it historically may have been used as an orchard. A Phase I and II Environmental Assessment concluded that there was no contamination onsite. The City's Hazmat Manager has reviewed these documents and concurred with their findings. DTSC has been notified of the insignificant finding. In addition, the DOT was concerned with the fact that the Saber cat Shopping Center Traffic Study did not take into account the proposed gasoline station project, and that the method in gathering the traffic generation data provided for the project should be clarified. In this case, the City's Traffic Engineer has responded that the traffic generation data provided in the Initial Study was based on the Institute of Traffic Engineer, 7th Edition, model. The project was indicated to have an insignificant traffic impact on the surrounding area.

APPLICABLE FEES:

Development Impact Fees: This project will be subject to Citywide Development Impact Fees. These fees will include fees for fire protection, capital facilities and traffic impact. These fees shall be calculated at the fee rates in effect at the time of building permit issuance.

ENCLOSURES:

Exhibit "A"	(Vicinity Map, Grading & Drainage Plan, Architectural Elevations, Conceptual Landscape Plan)
Exhibit "B"	(Rezoning Exhibit)
Exhibit "C"	(Findings and Conditions of Approval)
Initial Study, Draft Mitigated Negative Declaration , Mitigation Monitoring Plan	

EXHIBITS:

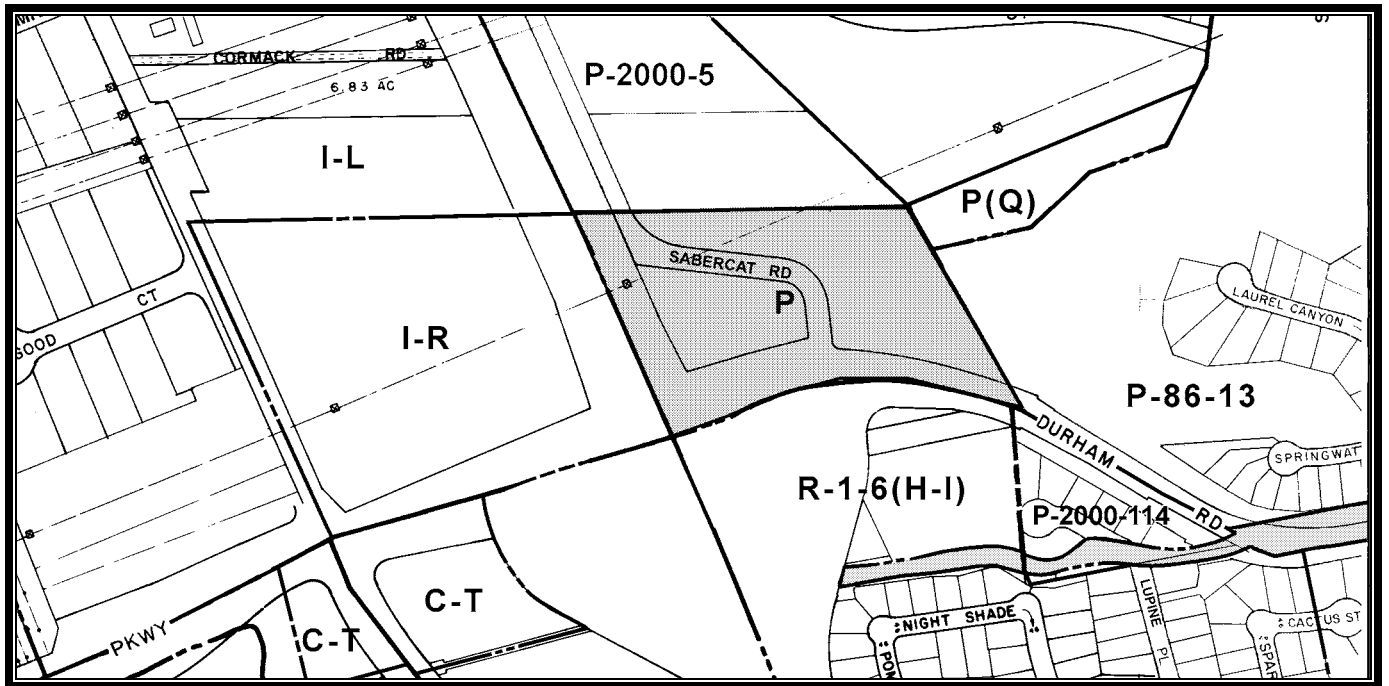
Exhibit "A"	(Vicinity Map, Grading & Drainage Plan, Architectural Elevations, Conceptual Landscape Plan)
Exhibit "B"	(Rezoning Exhibit)

Exhibit "C" (Findings and Conditions of Approval)
Exhibit "D" (Color & Material Board)
Initial Study, Draft Mitigated Negative Declaration , Mitigation Monitoring Plan

Recommended Actions:

1. Hold public hearing.
2. Recommend that the City Council find the initial study conducted for the project has evaluated the potential impacts that could cause an adverse effect, either individually or cumulatively, on wildlife resources and find that there is no evidence the project would have any potential for adverse effect on wildlife resources. As a result, recommend the filing of a Certificate of Fee Exemption for the project.
3. Recommend to the City Council the adoption of Draft Mitigated Negative Declaration finding that there is no substantial evidence that the project, as mitigated, will have a significant effect on the environment and further find that this action reflects the independent judgment of the City of Fremont.
4. Recommend to the City Council approval of the Mitigation Monitoring Plan for the project.
5. Find that the project is in conformance with the relevant provisions contained in the City's General Plan. These provisions include the designations, goals and policies set forth in the General Plan's Land Use and Open Space Chapters as enumerated within the staff report.
6. Find PLN2003-00119, as per Exhibit "A" (site plan, floor plans, architectural elevations, conceptual landscape plans, grading and drainage plan), fulfills the applicable requirements set forth in the Fremont Municipal Code.
7. Recommend to the City Council the rezoning to Precise Planning District as shown on Exhibit "B" (Zoning Exhibit) and Exhibit "A" Sheet(s) 1-17 (Preliminary and Precise site plan, preliminary landscape plan, floor plans and elevations) and Exhibit "C" (material color and sample board) for PLN2003-00119 be approved, based upon the findings and subject to the conditions of approval set forth in Exhibit "D".

Existing Zoning
Shaded Area represents the Project Site



Existing General Plan

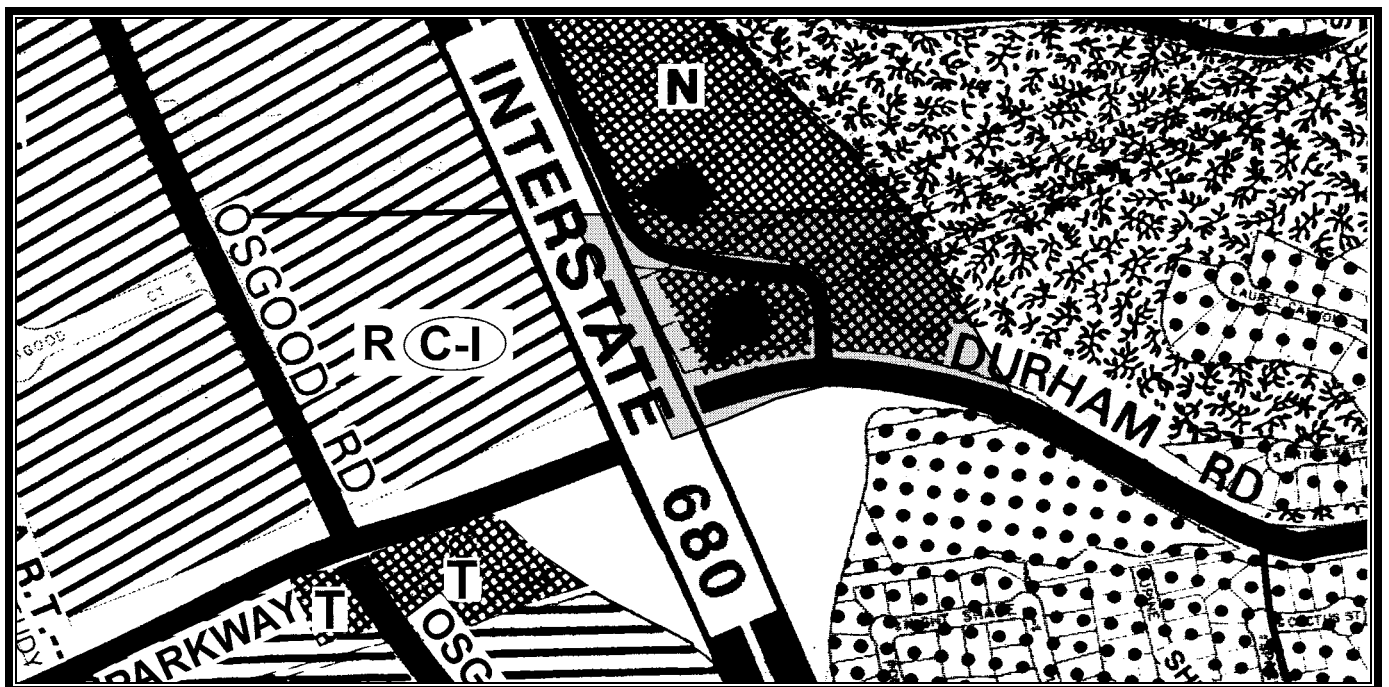


EXHIBIT "C"
Precise Planned District P-2003-119
Findings and Conditions of Approval
Durham Road Station
Saber cat Road (APN 513-0701-014-04 and 513-0701-014-05)
May 27, 2004 Planning Commission Recommendation

FINDINGS:

The findings below are made on the basis of information provided at the public hearing and contained in the staff report to the Planning Commission dated May 27, 2004, incorporated herein.

- A. The proposed Precise Planned District can be substantially completed within four years of the establishment of the precise plan because the applicant proposes to construct the project, a gasoline service station, as a single-phase development.
- B. Each individual unit of development, as well as the total development, can exist as an independent unit capable of creating an environment of sustained desirability and stability or that adequate assurance will be provided that such objective will be attained; that the uses proposed will not be detrimental to present and potential surrounding uses, but will have a beneficial effect which could not be achieved under another zoning district. The subject parcel is currently has a zoning designation of a city-initiated planned district and, therefore, will require, on recommendation of the Planning Commission, a Precise Planned District approval by the City Council. Based on recommendations of the Planning Commission and the staff, the City Council is charged with the authority under the Ordinance to review and approve the design and consider the specific use being proposed. Although two other gas stations exists in the vicinity, they are located approximately 1,500 feet away on the west side of the Interstate 680 interchange.
- C. The streets and thoroughfares proposed are suitable and adequate to carry anticipated traffic, and the project will not generate traffic in such amounts as to overload the street network outside the "P" district because the cumulative traffic generation anticipated for the project and approved, future adjacent shopping center as described in this report, will have less than a significant impact on Saber cat Road and the Interstate 680 interchange. The City's Traffic Engineer has concluded that, based on the mitigations required (also made conditions of approval), the proposed project in and of itself will have a diminimus impact on Saber cat Road and the interchange. Cumulatively, should the shopping center be completed, the anticipated traffic should still be below the threshold of a significant impact.
- D. Any exception from standard ordinance requirements is warranted by the design and amenities incorporated in the precise site plan, in accord with adopted policy of the Planning Commission and City Council. Although no exception from the general standards is proposed, through the Precise Planned District process, the applicant proposes a project that appropriately addresses the development policies and goals of a site designated as a City Gateway. In addition, full onsite landscaping, as well as full street improvements completely on both sides of Saber cat Road and Durham Road where the site abuts, are proposed.
- E. The area surrounding said development can be planned and zoned in coordination and substantial compatibility with the proposed development because the surrounding area, except of the approved (future) shopping center, is developed and consists of permanent, private open space (unbuildable), a church, and residential homes.
- F. The "P" district is in conformance with the General Plan of the City of Fremont. The project conforms to the General Plan land use designation of Neighborhood Commercial, City Gateway, in that the proposed use of a gasoline service station provides a service to the residents of the area and traveling public. The applicant proposes a gasoline service station that is uniquely designed and is an appropriate use to serve as a gateway into the Mission area of the City. The applicant has successfully addressed the intent of the Planned District by

proposing a design and siting development that, based on the design vocabulary of the mission style, are compatible with the visual, existing character of the surrounding area.

- G. Existing or proposed utility services are adequate for the proposed project. None of the responsible utility companies have stated they will be unable to provide the required services to the site. Being located in close proximity to the Hayward Fault and within the Alquist Priolo Earthquake Zone, the development of the gasoline service station will be required to comply with the recommendations of consulting engineers, as conditioned.
- H. All public improvements or facilities required as a part of this approval are directly attributable to the proposed development, and are required for reasons related to public health, safety and welfare.
- I. The project would not have a significant effect on the environment based upon the implementation of the identified mitigation measures, which have been identified in the initial study and incorporated as conditions of approval for the precise planned district. Accordingly, a Draft Mitigated Negative Declaration has been prepared for consideration by the Planning Commission and City Council.

CONDITIONS OF APPROVAL:

General Conditions

- A-1. The project shall conform to Exhibit "A" (Site Plan, Floor Plans, Architectural Elevations, Conceptual Landscape Plan and Grading and Drainage Plan) and Exhibit "D" (Material and Color Sample Board). Minor modifications to the location and design of the proposed building, canopy, landscaping, parking areas and other elements of the above exhibit may be allowed, subject to the review and approval of the Assistant City Manager, if such modifications are in keeping with the architectural design theme for the proposed project on the designated City Gateway site.
- A-2. Approval of PLN2003-00119 will permit the use of a gasoline service station with ancillary convenience store, carwash, and associated services, developed in conformance with Exhibit "A" (Site Plan, Floor Plans, Architectural Elevations, Conceptual Landscape Plan and Grading and Drainage Plan).
- A-3. Approval of this Precise Planned District shall be effective only after compliance with the requirements of Public Resources Code, Section 21089, pertaining to payment of fees to the California Department of Fish and Game, to be submitted with the *Environmental Notice of Determination*, **due within five (5) working days after the project approval**. The applicant shall provide to the Development & Environmental Services Department the \$25.00 fee in check form, made payable to the **Alameda County Clerk**.
- A-4. The project will be subject to Citywide Development Impact Fees. The fees include fire protection, capital facilities and traffic impact. The fees shall be calculated at the rate in effect at the time of building permit issuance. The fees will be collected at time of building permit issuance.
- A-5. This facility shall comply with all requirements of the Fire Department prior to occupancy of the building with regard to fire safety, including the installation of an automatic fire extinguishing system (AFES), a smoke detection system with 24 hour monitoring, and special panic hardware for doors. The facility shall also use only non-combustible or flame retardant decorative materials within the interior spaces.
- A-6. The car wash and vacuuming facilities shall only be allowed to operate from 8 AM to 8 PM, 7 days a week.

Site Planning (Prior to issuance of building permit)

- B-1. The site circulation and parking shall be reviewed for conformance with Article 20 of the Fremont Municipal Code during Development Organization review process.

- B-2. Site lighting shall not be directed onto adjacent properties. Type of lighting fixtures, their heights, intensity and direction shall be clearly indicated. A photometric light distribution plan shall be submitted for Development Organization review. Lights shall utilize "vandal resistant" enclosures. All site lighting shall be subject to the review and approval of the Development Organization (Also see Condition C-1).
- B-3. Signage is not a part of this review. The applicant shall apply to the Development Services Center for a Planned Signed Program that will be subject to review in accordance with the Fremont Municipal Code, Article 21, Sign Regulation.
- B-4. Driveway and travel aisles shall be provided with adequate width and turning radii to provide unobstructed access for trash, recycling collection and emergency vehicles.

Building Design (Prior to issuance of building permit)

- C-1. The canopy lighting shall consist of non-glare type fixtures flush with the surface of the canopy and shall not be directly visible from public right-of-way.
- C-2. The material proposed at the base, the "Sutter Gold" brick wainscoting shall be revised with material and color more consistent with the overall color and design of the building.
- C-3. All exposed roof rafter tails and outriggers shall be turned to add interest to the building architecture.
- C-4. Additional outriggers to tower and main entry portico elements, as well as gable sections of all roofs, shall be added to the building design.
- C-5. All mechanical equipment is to be located in covered sheds adjacent to the building or shall be architecturally screened, while not compromising the quality of the project.

Landscape Design (Prior to issuance of building permit)

- D-1. The applicant shall provide street trees, landscaping and irrigation as shown in Exhibit "B" along both sides of Saber cat Road and along one side of Durham Road. The street trees along Saber cat Road shall be Chionanthus retusus or Trident Maple. The street trees along Durham Road shall be Quercus rubra. All street trees shall be 24" Box size.
- D-2. The following 5 trees are designated for preservation #1-3 Schinus molle, #4 Populus nigra and #8 Populus nigra. The applicant shall work with staff during the Development Organization review to ensure that tree preservation measures are in accordance with the Tree Preservation Requirements of the Landscape Development Requirements and Policies.
- D-3. All planting areas containing trees shall be free of all Utility Structures (including light standards). Clearances between Utilities and Trees shall conform to SD-34 City Standard Street Tree Clearances.
- D-4. A landscape plan shall be submitted to the Development Organization or the with Final Map Improvement Plans, or both, as directed by the City Landscape Architect, for review and approval, indicating full details regarding (1) paving materials and textures of walkways and paved pedestrian areas, (2) lighting of walkways and pedestrian areas with low intensity non-glare type fixtures, (3) screening of driveways and parking areas, and (4) landscaping of site and open areas. As part of the landscape plans the applicant shall submit
 - a) An underground irrigation plan.
 - b) Weed control specifications.
 - c) A lighting plan for the illumination of the building, pedestrian and parking areas. Type of lighting fixtures, their heights, intensity and direction shall be clearly indicated.
 - d) Construction details of raised planters, walkways, paths, benches, walls, fences, trellised, and other architectural features as appropriate to the project.

- D-5 All provisions of the City of Fremont Landscape Development Requirements and Policies (LDRP) shall apply to this project unless otherwise approved by the City Landscape Architect. A current copy of the LDRP is available at the Engineering Counter.
- D-6 Selection of plant material beyond that specified in other conditions shall incorporate the use of native plants, appropriate plants for swales and erosion control and plants that enhance the site as a gateway to the city. The final selection shall be subject to staff approval during development review.
- D-7 Mitigation for the removal of 3 mature trees indicated in the tree removal plan shall be the upsizing of three (3) on site trees (excluding street trees) to 24" Box size.

Engineering Conditions (Prior to issuance of building permit/During Construction)

- E-1 The developer shall install complete street improvements for the Durham Road and Sabercat Road frontages of the project. Required street improvements include, but are not limited to installation of: City standard type "C" sidewalk along Sabercat Road; City standard type "A" sidewalk, curb, gutter, and landscaping on Durham Road east of Sabercat Road; Caltrans standard sidewalk, curb, gutter, and pavement on Durham Road west of Sabercat Road.
- E-2 The developer shall install double-yellow centerline striping on Sabercat Road north of the project site through the curve, providing an opening in the striping at the driveway to the project site. Also, the proposed painted median will instead be double-yellow centerline striping. The signing and striping plan for Sabercat Road and Durham Road shall be provided as part of the encroachment permit plans and is subject to review and approval of the City Engineer prior to permit issuance.
- E-3 The applicant shall apply for and obtain an encroachment permit for all improvements within the public right-of-way. Improvements within the public right-of-way shall conform to City standards. The encroachment permit shall be obtained prior to or concurrently with issuance of the building permit.
- E-4 Prior to issuance of building permits, the developer shall obtain encroachment permits from both the California Department of Transportation and the City of Fremont.
- E-5 Development of the property east of Sabercat Road (APN 513-0701-014-05) shall be subject to the provisions of the Alquist-Priolo Earthquake Fault Zoning Act. A site-specific geotechnical fault hazard report, if required, shall be provided by the developer and shall be subject to peer review by the City's geotechnical consultant. The cost for peer review shall be borne by the developer.
- E-6 The applicant shall submit a detailed soils report, including recommendations regarding pavement structural sections, prepared by a qualified soils engineer registered by the State of California. The soils report shall include specific recommendations for on site pavement areas that will experience repeated exposure to heavy vehicle loads.
- E-7 Grading operations shall be in accordance with recommendations contained in the required soils report and shall be supervised by an engineer registered in the State of California to do such work.
- E-8 The developer shall provide for an adequate site drainage system, subject to the review and approval of the City Engineer and the Alameda County Flood Control and Water Conservation District. The storm drain system may also be subject to review, approval, and permitting of Caltrans. The applicant shall provide hydraulic calculations and drainage maps for the proposed storm drain system before or with the Pre-Final Development Organization submittal. Storm drain plans, drainage maps, and hydraulic/hydrologic calculations are subject to review and approval of staff during Development Organization.

- E-9 The applicant shall provide for a functional system to control erosion and siltation during and after construction subject to review and approval by staff during Development Organization. A separate plan shall be submitted for this purpose during Development Organization.
- E-10 Site grading shall not obstruct natural flow from abutting properties or divert drainage from its natural watershed.
- E-11 Proposed curb elevations for the street system shall not be less than 1.25 feet above the hydraulic grade line (design water surface) and at no point should the curb grade be below the energy grade line. On-site grades are to be a minimum of 0.75 feet above the hydraulic grade line.
- E-12 The developer shall comply with the City's Urban Runoff Clean Water Program in accordance with the NPDES requirements issued by the State's Water Quality Control Board.
- E-13 Prior to issuance of a building or grading permit for land disturbance greater than one acre, the developer is to provide evidence that a Notice of Intent has been filed and with the State of California Water Resources Control Board. Evidence shall include the WDID number assigned by the State. The developer is responsible for insuring that all contractors are aware of all storm water quality measures contained in the Storm Water Pollution Prevention Plan (SWPPP).
- E-14 The project plans shall include storm water measures for the operation and maintenance of the project for the review and approval of the City Engineer. The project plan shall identify Best Management Practices (BMPs) appropriate to the uses conducted on site that effectively prohibit the entry of pollutants into storm water runoff.
- E-15 The developer is responsible for ensuring that all contractors are aware of all storm water quality measures and that such measures are implemented. Failure to comply with the approved construction Best Management Practices will result in the issuance of correction notices, citations, or stop orders.
- E-16 In accordance with the Alameda Countywide NPDES Municipal Stormwater Permit, Order R2-2003-0021, NPDES Permit No. CAS0029831, the property owner shall enter into a maintenance agreement for the long-term operation and maintenance of on-site storm water treatment measures. The agreement shall run with the land.
- E-17 All on-site storm drains are to be cleaned prior to building occupancy and also be cleaned each year immediately before the beginning of the rainy season (October 15). Annual cleaning shall include inspection, maintenance, and/or replacement of catch basin filter inserts. The City Engineer may require additional cleaning.
- E-18 All landscaping shall be properly maintained and shall be designed with efficient irrigation practices to reduce runoff, promote surface filtration, and minimize the use of fertilizers and pesticides, which can contribute to runoff pollution.
- E-19 All paved outdoor storage areas must be designed to reduce and limit the potential for runoff of contact pollutants. Bulk materials stored outdoors may need to be covered as determined by the City Engineer.
- E-20 All public and private storm drain inlets are to be stenciled "No Dumping – Drains to Bay" using stencils purchased from the Alameda County Urban Runoff Clean Water Program at 951 Turner Court, Hayward, California. Color and type of paint to be as approved by the City Engineer. Alternative inlet marking may be proposed by the applicant, subject to review and approval of staff during Development Organization.
- E-21 Restaurants must be designed with contained areas for cleaning mats, equipment, and containers. This wash area must be covered or designed to prevent runoff from or "runon" to the area. The area shall not discharge to the storm drain, unless pollutants and detergents are removed from the water. These areas may drain to the sanitary sewer, subject to review, approval, and permitting of the Union Sanitary District. Employees must be instructed and signs posted indicating that all washing activities be conducted within this area.

- E-22 The property owner is responsible for litter control and for sweeping of all paved surfaces. Sidewalks, parking lots, and other paved areas must be swept regularly to prevent the accumulation of litter and debris. If pressure washed, debris must be trapped and collected to prevent entry into the storm drain system. No cleaning agent may be discharged to the storm drain.
- E-23 The developer and/or contractor shall notify Underground Service Alert (U.S.A.) at 1-800-227-2600 at least two working days before beginning any excavation for this project. A prominent note shall be included in the project plans requiring the notification of U.S.A.
- E-24 New or retrofitted driveways shall be designed and constructed to accommodate the number and size of fuel delivery trucks entering and existing the project site. Concrete thickness at these driveways shall be twelve-inches minimum, subject to review and approval of the City Engineer prior to issuance of the encroachment permit.
- E-25 Plans submitted to Development Organization, especially the grading and landscape plans, shall be coordinated with respect to the proposed grassy/rocky swales (bio-swales). Specifications for the bio-swales shall be submitted with the plans and shall address the design, operation, and maintenance of the bio-swales.
- E-26 A structural control, such as an oil/water separator, sand filter or other approved equal is to be installed on site to intercept spills and pretreat storm water prior to discharge to the public storm drain. The design, location, maintenance schedule and responsibility are subject to staff review and approval during Development Organization.
- E-27 All washing/steam cleaning must be done at an appropriately equipped facility, which drains to the sanitary sewer or drains to an approved water treatment device. Outdoor washing must be managed in such a way that there is no discharge of soaps, solvents, cleaning agents, or other pollutants to the storm drains. Wash water that discharges to the sanitary sewer is subject to review, approval, and conditions of the Union Sanitary District. The project plans shall include specific details regarding the operation and treatment of wash water in the proposed exterior wash bay.
- E-28 New fuel dispensing areas must be paved with Portland cement concrete, extending a minimum of 8'-0" from the face of the fuel dispenser and a minimum of 4'-0" from the nose of the pump island. Fuel dispensing areas should be graded and constructed to prevent "runon" or runoff from the area. Fuel dispensing facilities must have canopies; canopy roof downspouts must be routed to prevent drainage flow through the fuel dispensing area. The facility must have a spill cleanup plan. The fuel dispensing area must be dry-swept regularly. Dispensing equipment must be inspected routinely for proper functioning and leak prevention.
- E-29 Precise geometry and location of all driveways shall be subject to approval of the City Engineer.
- E-30 The proposed development shall provide waste and recycling enclosures that shall be made accessible to the City's waste management contractor. The location and accessibility of the trash and recycling enclosures shall be subject to the review and approval of staff during Development Organization.

NOTE TO APPLICANT: The project site is located in an area identified as having the potential for liquefaction hazards by the State Geologist, on the preliminary State of California Seismic Hazard Zones, Niles Quadrangle map. The permitting and development of the project site shall conform to the requirements of the Seismic Hazard Mapping Act, local ordinances, and policies. Preparation of a site-specific geotechnical investigation to identify the hazard and formulate mitigation measures may be required prior to issuance of any building permit.

Mitigation Measures (Prior to issuance of building permit/During Construction)

- F-1 The project shall comply with standard dust suppression measures. Dust generated on the project site shall be controlled by watering all exposed areas at least twice daily during excavation, and especially during clearing and grading operations. Additional watering on windy or hot days is required to reduce dust emissions. Cover

stockpiles of sand, soil and similar materials with a tarp. Cover trucks hauling dirt or debris to avoid spillage. In areas where construction is delayed for an extended period of time, the ground shall be re-vegetated to minimize the generation of dust. A person shall be designated to oversee the implementation of dust control.

- F-2 A site investigation shall be required by a qualified wildlife biologist to determine the presence of burrowing owls. Should there be any signs of burrowing owls, an additional investigation would be required thirty days prior to the commencement of any site grading or clean-up. The applicant will be responsible for the implementation of the protective actions, including relocation, prior to the commencement of any site work. The site investigation will be subject to the review and approval of the Development Organization.
- F-3 Should any human remains or historical or unique archaeological resources be discovered during site development work, the provisions of CEQA Guidelines, Section 15064.5.(e) and (f) will be followed to reduce impacts to a non-significant level.
- F-4 All recommendations and criteria, such as guidelines for underground flexible pipelines, established in the Phase I Geologic and Seismic Hazards Study Update (dated March 18, 2003) prepared by Purcell, Rhoades & Associates shall be adhered to in the development of the project as proposed.
- F-5 All criteria described in the Phase I Geologic and Seismic Hazards Study Update report dated March 18, 2003 regarding guidelines for underground flexible pipelines, with specific emphasis on quality control during construction to ensure appropriate use of steel pipe and proper welding procedures, shall be implemented into the design and construction of the facility.
- F-6 All automatic cutoff valves shall be strategically located. A state-licensed mechanical engineer shall design the piping system to isolate and control the combustible materials flowing in the pipelines.
- F-7 All structure will be subject to appropriate engineered designs in conformance with geotechnical standards to meet current federal, state and local building and fire code requirements to reduce the potential for damage from ground shaking.
- F-8 Although no development is proposed at this time on the portion of the parcel located east of Saber cat Road (identified as "Parcel B" in the Phase I Geologic and Seismic Hazards Study Update report dated March 18, 2003), any future development on this portion of the parcel will adhere to the "building restriction zone" prohibiting structures for human habitation as depicted in Appendix A, Plate 1 of that report and the recommendations indicated in the peer review by Cotton, Shires & Associates dated April 29, 2003. The fault setback zones depicted on the plate, however, may be used for uses other than human occupancy structures, such as parking lots, driveways and open space.
- F-9 In the event that development of structures for human habitation is proposed on the portion of the parcel east of Saber cat Road, a Phase II Fault Study with subsurface trenching shall be performed by a Certified Engineering Consultant.
- F-10 The project would result in the storage and distribution of combustible fluids in close proximity to an active fault with the potential for sudden right lateral displacement on the order of 5 to 10 feet. The master creeping trace of the Hayward fault is located between approximately 200 to 300 feet east of the proposed underground gas storage tanks. Considering the proximity of the overhead power lines (with support towers on both sides of the fault) and the undefined proximity of buried natural gas transmission pipeline(s), the potential for combustible material release and ignition shall be carefully evaluated under an earthquake/fault rupture planning scenario. As such, the applicant shall retain appropriate professionals to address the above concerns and submit to the City's Development Organization documentations of findings. Mitigation design measures recommended by the Project Geotechnical Consultant should be considered. Final proposed mitigation measures for the design shall be subject to the review and approval of the City Development Organization.

- F-11 The operation of the proposed fuel facility shall comply with regulations regarding hazardous materials according to Federal, State and Local statutes, regulations and standards. Additionally, the applicant shall be required to install fire hydrants and automatic fire extinguishing systems depending on the location of existing fire hydrants in the vicinity of the project site. The project shall be subject to the review and approval during the Development Organization review process to ensure that the design layout and construction of buildings will not interfere with any emergency response plans or emergency evacuation plans or pose a health hazard.
- F-12 All criteria described in the Preliminary Geotechnical Investigation report dated September 16, 2002, shall be incorporated into the project design and implemented during construction. This criteria includes the recommendations to mitigate the highly expansive on-site silty clay soil.
- F-13 Project construction will be required to adhere to appropriate standards for residential and circulation areas with attendant drainage and landscaping, emphasizing storm water Best Management Practices intended to achieve compliance with the goals of the Alameda County Urban Storm Water Runoff Program in conformance with the Federal National Pollutant Discharge Elimination System (NPDES) program established by the Clean Water Act.
- F-14 Best Management Practices elements shall be incorporated into the final site design to mitigate potential storm water, drainage, and water quality impacts for the project site.

Prior to Release of Building for Occupancy

- H-1. The project architect/engineer shall submit a letter to the City certifying the building has been constructed in conformance to the approved architectural plan, subject to the review and approval of the Assistant City Manager.
- H-2. The project engineer-of-record shall submit a letter to the City certifying the site grading and drainage are in conformance with the approved grading and drainage plan subject to the review and approval of the Assistant City Manager.
- H-3. All public and private storm drain inlets are to be stenciled "No Dumping - Drains to Bay" using stencils purchased from the Alameda County Urban Runoff Clean Water Program at 951 Turner Court, Hayward, CA. Color and type to be approved by the City Engineer.

Operational Maintenance:

- I-1. If the Assistant City Manager finds evidence that conditions of approval have not been fulfilled or that the use or uses has or have resulted in a substantial adverse effect on the health, and/or welfare of users of adjacent or approximate property, or have a substantial adverse impact on public facilities or services, the Assistant City Manager may refer the gasoline service station use to the Planning Commission for review. If, upon such review, the Commission finds that any of the results above have occurred, the Commission may modify or revoke the use.
- I-2. The property owner is responsible for contracting with recycling brokers for regular pick-up of recyclable materials.
- I-3. The property owner shall be responsible for litter control and sweeping of all on-site paved surfaces. All on-site storm drains are to be cleaned immediately before the commencement of the rainy season (October 15).
- I-4. The applicant is responsible for the maintenance of all landscaping, and landscaping shall be designed with efficient irrigation to reduce runoff and promote surface filtration and to minimize the use of fertilizers, herbicides and pesticides that could contribute to urban runoff pollution.

- I-5. Trash and recyclables enclosure areas shall be maintained free of litter and any other undesirable materials. Recyclable materials shall not be allowed to accumulate such that a visual or public health and safety nuisance is created.
- I-6. Maintain landscaping in a healthy and attractive condition, free of weeds and debris.
- I-7. Clean and remove litter from site on a regular basis and as needed, at least every other day.

EXHIBIT "B"

Attached to and made a part of

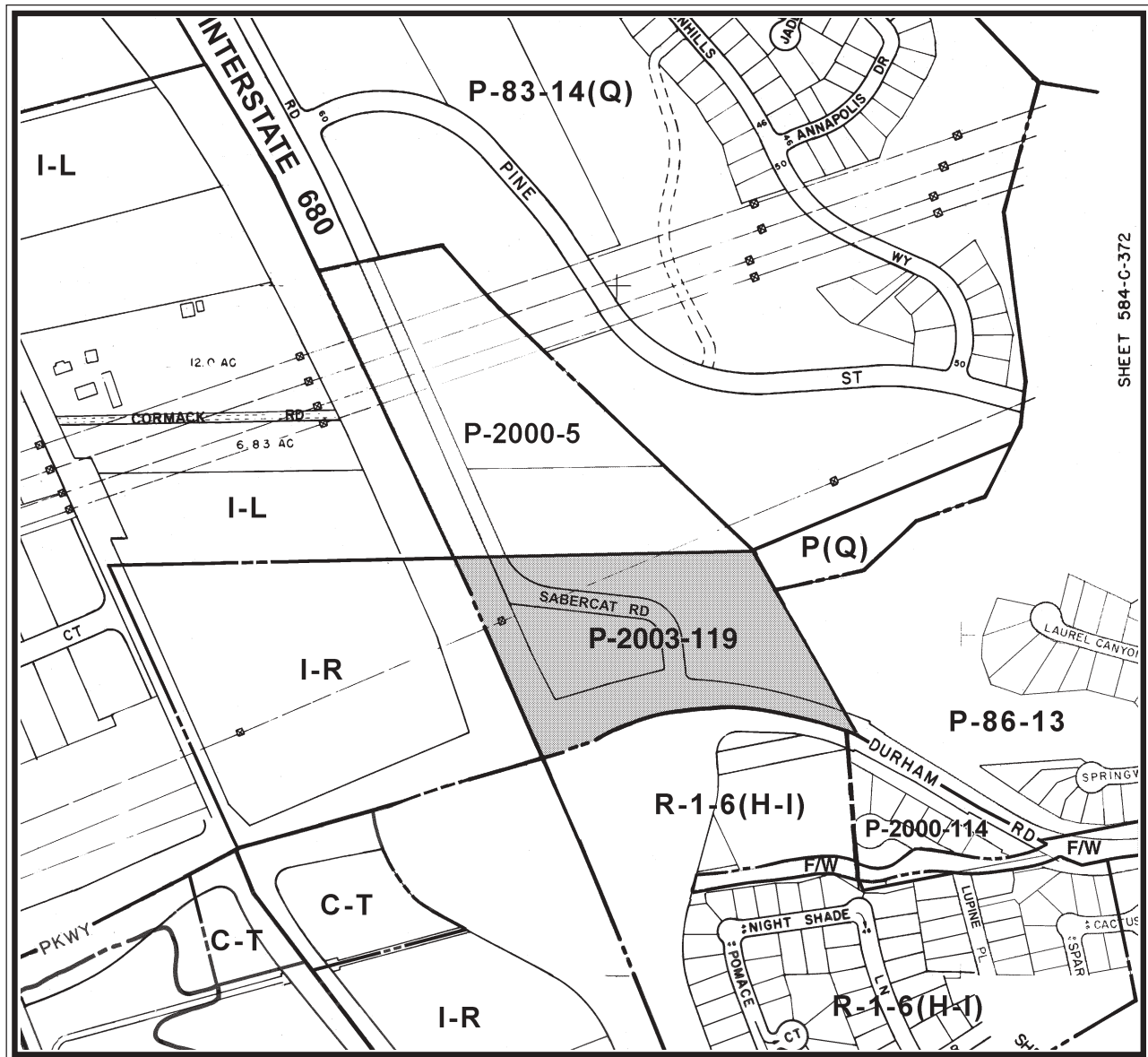
Ordinance No. _____

adopted by the City Council of the City of Fremont, California

On the _____ **day of** _____, **20 04** .

ZONING MAP (SECTION)

AFFECTS LAND USE DIAGRAM(S) FOR THE MISSION SAN JOSE PLANNING AREA



From: P

To: P-2003-119

Project Name: Durham Road Station

Project Number: PLN2003-00119 (PD)

[pc on 05-27-04] 72-372

